

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10 RSC-01

AID-05 EB-07 CIAE-00 INR-07 NSAE-00 L-02 COME-00

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R 052331Z DEC 74

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 8236

UNCLAS SECTION 1 OF 2 USUN 5745

E.O. 11652 NA

TAGS EFIN, UNGA, ECOSOC

SUBJECT: ECOSOC RESOLUTION ON TNCS

REF: STATE 266616

1. INTERSESSIONAL COMITE AND SUBSEQUENTLY ECOSOC ADOPTED RES WITHOUT VOTE. US DEL DELIVERED STATEMENT CONTAINED REFTEL AFTER VOTE. SUBSEQUENTLY, TWENTY OTHER DELS REITERATED POSITIONS TAKEN EARLIER IN GENERAL DEBATE AND IN CONSULTATIONS; COMMENTS WERE GENERALLY DIRECTED TOWARD ELABORATION AND FUNCTION OF CODE OF CONDUCT AND TOWARD ROLE TO BE PLAYED BY INFORMATION CENTER.

2. TEXT OF RES AS ADOPTED FOLLOWS.

THE ECONOMIC AND SOCIAL COUNCIL,

RECALLING ITS RESOLUTION 1721 (LIII) OF 28 JULY 1972,

RECALLING ALSO ITS RESOLUTION 1908 (LVII) OF 2 AUGUST 1974,

RECALLING FURTHER GENERAL ASSEMBLY RESOLUTIONS 3201

(S-VI) AND 3202 (S-VI) OF 1 MAY 1974, INCLUDING THE PROVISIONS RELATING TO TRANSNATIONAL CORPORATIONS,

HAVING GIVEN PRELIMINARY CONSIDERATION TO THE REPORT OF THE GROUP OF EMINENT PERSONS TO STUDY THE IMPACT OF MULTINATIONAL CORPORATIONS ON DEVELOPMENT AND ON INTERNATIONAL RELATIONS, AS WELL AS THE REPORT OF THE SECRETARY-

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GENERAL./1/

RECOGNIZING THAT FURTHER DETAILED CONSIDERATION OF THE ISSUES CONTAINED IN THE REPORT OF THE GROUP OF EMINENT PERSONS SHOULD TAKE PLACE AT A LATER DATE,

HAVING FURTHER CONSIDERED THE REPORTS OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE UNITED NATIONS SYSTEM CLOSELY RELATED TO THE SUBJECT OF TRANSNATIONAL CORPORATIONS (E/5592) AND ON THE VIEWS OF STATES ON THE REPORT OF THE GROUP OF EMINENT PERSONS (E/5595 AND ADD.1-6), AND HAVING HEARD THE VIEWS EXPRESSED BY GOVERNMENTS AT THE SPECIAL INTERSESSIONAL COMMITTEE ON TRANSNATIONAL CORPORATIONS,

DESIROUS OF ESTABLISHING AN EFFECTIVE MACHINERY FOR DEALING WITH THE FULL RANGE OF ISSUES RELATING TO THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS IN ORDER, INTER ALIA, TO RECOMMEND TO THE ECONOMIC AND SOCIAL COUNCIL A DETAILED PROGRAMME OF WORK FOR FORMULATING POLICIES,

BACKING IN MBD ITS DECISION TO KEEP THE FULL RANGE OF ISSUES RELATING TO TRANSNATIONAL CORPORATIONS, AND IN PARTICULAR THE SUBJECT OF THE REGULATION OF AND SUPERVISION OVER THEIR ACTIVITIES, UNDER CLOSE CONSIDERATION ON A CONTINUING BASIS,

1. DECIDES TO ESTABLISH AN INTERGOVERNMENTAL COMMISSION ON TRANSNATIONAL CORPORATIONS AS AN ADVISORY BODY TO THE ECONOMIC AND SOCIAL COUNCIL TO ASSIST IT IN DEALING WITH THE ISSUE OF TRANSNATIONAL CORPORATIONS:

(A) THE COMMISSION SHALL BE COMPOSED OF 48 MEMBERS FROM ALL STATES;^{2/} ELECTED BY THE ECONOMIC AND SOCIAL COUNCIL ON A BROAD AND FAIR GEOGRAPHICAL BASIS;^{3/} EACH STATE SHALL APPOINT A HIGH-LEVEL EXPERT TAKING INTO ACCOUNT HIS KNOWLEDGE OF THE ISSUES INVOLVED; THE STATES MAY ALSO APPOINT ALTERNATES;

(B) ELECTED STATES MAY CONSULT WITH THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL BEFORE THEY FINALLY APPOINT THEIR EXPERTS SO AS TO ENSURE AS FAR AS POSSIBLE A BALANCED REPRESENTATION REFLECTING THE VARIOUS FIELDS OF ACTIVITIES COVERED BY THE COMMISSION SO THAT IT MAY DISCHARGE ITS FUNCTIONS EFFECTIVELY;

(C) THE TERM OF OFFICE OF THE MEMBERS OF THE COMMISSION SHALL BE THREE YEARS AND MEMBERS SHALL BE ELIGIBLE FOR RE-ELECTION;
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(D) THE COMMISSION SHALL SELECT, AS REQUIRED BY ITS PROGRAMME OF WORK, AND IN CONSULTATION WITH THE SECRETARY-GENERAL, PERSONS ON THE BASIS OF THEIR PRACTICAL EXPERIENCE PARTICULARLY FROM TRADE UNIONS, BUSINESS, PUBLIC INTEREST GROUPS AND UNIVERSITIES, FROM BOTH DEVELOPED AND DEVELOPING COUNTRIES, WHO, IN A PRIVATE, CONSULTATIVE CAPACITY, WILL ASSIST THE COMMISSION AND PARTICIPATE IN ITS DISCUSSIONS IN A MANNER TO BE DECIDED BY IT;

2. DECIDES FURTHER THAT THE COMMISSION SHALL MEET ON AN ANNUAL BASIS AND SHALL SUBMIT AN ANNUAL REPORT TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS SUMMER SESSION, UNLESS THE COUNCIL DECIDES OTHERWISE;

3. DECIDES FURTHER THAT THE COMMISSION ON TRANSNATIONAL CORPORATIONS WILL ASSIST THE ECONOMIC AND SOCIAL COUNCIL IN FULFILLING ITS RESPONSIBILITIES IN THE FIELD OF TRANSNATIONAL CORPORATIONS BY:

(A) ACTING AS THE FORUM WITHIN THE UNITED NATIONS SYSTEM FOR THE COMPREHENSIVE AND IN-DEPTH CONSIDERATION OF ISSUES RELATING TO TRANSNATIONAL CORPORATIONS;

(B) PROMOTING THE EXCHANGE OF VIEWS AMONG GOVERNMENTS, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS, TRADE UNIONS, BUSINESS, CONSUMERS AND OTHER RELEVANT GROUPS THROUGH THE ARRANGEMENT OF HEARINGS, INTERVIEWS, ETC.;

(C) PROVIDING GUIDANCE TO THE INFORMATION AND RESEARCH CENTRE, REFERRED TO IN PARAGRAPH 4 BELOW, ON THE RENDERING OF ADVISORY SERVICES TO INTERESTED GOVERNMENTS AND PROMOTING PROGRAMMES OF TECHNICAL CO-OPERATION;

(D) CONDUCTING INQUIRIES ON THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS MAKING STUDIES, PREPARING REPORTS AND ORGANIZING PANELS FOR FACILITATING DISCUSSIONS AMONG RELEVANT GROUPS;

(E) UNDERTAKING WORK WHICH MAY ASSIST THE ECONOMIC AND SOCIAL COUNCIL IN EVOLVING A SET OF RECOMMENDATIONS WHICH, TAKEN TOGETHER, WOULD REPRESENT THE BASIS FOR A CODE OF CONDUCT DEALING WITH TRANSNATIONAL CORPORATIONS;

(F) UNDERTAKING WORK WHICH MAY ASSIST THE ECONOMIC AND SOCIAL COUNCIL IN CONSIDERING POSSIBLE ARRANGEMENTS OR AGREEMENTS ON SPECIFIC ASPECTS RELATING TO TRANSNATIONAL CORPORATIONS WITH A VIEW TO STUDYING THE FEASIBILITY OF FORMULATING A GENERAL AGREEMENT AND, ON THE BASIS OF A DECISION OF THE COUNCIL, TO CONSOLIDATING THEM INTO A GENERAL AGREEMENT AT A FUTURE DATE;

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(G) RECOMMENDING TO THE ECONOMIC AND SOCIAL COUNCIL THE PRIORITIES AND THE PROGRAMMES OF WORK ON TRANSNATIONAL CORPORATIONS TO BE CARRIED OUT BY THE INFORMATION AND RESEARCH CENTRE ON TRANSNATIONAL CORPORATIONS;

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4. DECIDES THAT THE INFORMATION AND RESEARCH CENTRE ON TRANSNATIONAL CORPORATIONS, ESTABLISHED UNDER RESOLUTION 1908 (LVII) OF THE ECONOMIC AND SOCIAL COUNCIL, SHALL CONDUCT ITS ACTIVITIES UNDER THE GUIDANCE OF THE COMMISSION WITH THE FOLLOWING TERMS OF REFERENCE:

(A) TO PROVIDE THE NECESSARY SUPPORT TO THE ECONOMIC AND SOCIAL COUNCIL AND ITS COMMISSION ON MATTERS RELATED TO TRANSNATIONAL CORPORATIONS;

(B) TO DEVELOP A COMPREHENSIVE INFORMATION SYSTEM ON THE ACTIVITIES OF THE TRANSNATIONAL CORPORATIONS BY GATHERING INFORMATION MADE AVAILABLE BY GOVERNMENTS AND OTHER SOURCES, AND BY ANALYSING AND DISSEMINATING SUCH INFORMATION TO ALL GOVERNMENTS;

(C) TO ORGANIZE AND CO-ORDINATE AT THE REQUEST OF GOVERNMENTS, PROGRAMMES OF TECHNICAL CO-OPERATION ON MATTERS RELATED TO TRANSNATIONAL CORPORATIONS, THROUGH EXISTING ORGANS OF THE UNITED NATIONS SYSTEM, AIMED AT STRENGTHENING THE CAPACITY OF HOST COUNTRIES, IN PARTICULAR OF DEVELOPING COUNTRIES, IN THEIR DEALINGS WITH TRANSNATIONAL CORPORATIONS;

(D) TO CONDUCT RESEARCH ON VARIOUS POLITICAL, LEGAL, ECONOMIC AND SOCIAL ASPECTS RELATED TO TRANSNATIONAL CORPORATIONS, INCLUDING WORK WHICH MIGHT BE USEFUL FOR THE ELABORATION OF A CODE OF CONDUCT AND SPECIFIC ARRANGEMENTS AND AGREEMENTS AS DIRECTED BY THE ECONOMIC AND SOCIAL COUNCIL AND ITS COMMISSION;

5. REQUESTS THE SECRETARY-GENERAL TO ENSURE THAT THE UNCLASSIFIED

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INFORMATION AND RESEARCH CENTRE IS CONSTITUTED EARLY IN 1975 IN ACCORDANCE WITH ARTICLE 101 OF THE CHARTER OF THE UNITED NATIONS, SO THAT IT MAY BECOME FULLY FUNCTIONAL AT THE EARLIEST POSSIBLE DATE, BEARING IN MIND THE PROVISION REGARDING BUDGETARY SUPPORT FOR THE CENTRE IN PARAGRAPH 6 OF RESOLUTION

1908 (LVII); AND TO REPORT TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS FIFTY-NINTH SESSION ON THE PROGRESS MADE;

6. FURTHER REQUESTS THE SECRETARY-GENERAL TO ENSURE THE CO-ORDINATION OF THE ACTIVITIES OF THE CENTRE WITH THOSE OF OTHER ORGANIZATIONS AND AGENCIES OF THE UNITED NATIONS SYSTEM WHICH UNDERTAKE ACTIVITIES CLOSELY RELATED TO THE SUBJECT OF TRANSNATIONAL CORPORATIONS;

7. REQUESTS THE COMMISSION ON TRANSNATIONAL CORPORATIONS, IN FULFILLMENT OF PARAGRAPH 8 OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1908 (LVII), TO SUBMIT TO THE COUNCIL AT ITS SIXTIETH SESSION A DETAILED DRAFT PROGRAMME OF WORK ON THE FULL RANGE OF ISSUES RELATING TO TRANSNATIONAL CORPORATIONS, INCLUDING, WITHIN THE FRAMEWORK OF THE FOLLOWING GUIDELINES, A STATEMENT OF ITS PROPOSED PRIORITIES;

THE DEVELOPMENT OF A COMPREHENSIVE INFORMATION SYSTEM; PRELIMINARY WORK WITH THE OBJECTIVE OF FORMULATING A CODE OF CONDUCT, THE UNDERTAKING OF STUDIES, ESPECIALLY CASE STUDIES, ON THE POLITICAL, ECONOMIC AND SOCIAL IMPACT OF THE OPERATIONS AND PRACTICES OF TRANSNATIONAL CORPORATIONS WHICH SEEM MOST URGENT; AND THE DEFINITION OF TRANSNATIONAL CORPORATIONS. THE DRAFT PROGRAMME SHOULD BE WITHOUT PREJUDICE TO THE WORK UNDERTAKEN WITHIN THE UNITED NATIONS SYSTEM IN RELATED FIELDS.

/1/ UNITED NATIONS PUBLICATION, SALES NO.: E.74.II.A.5 (E/5500/REV.1).

/2/ IT IS THE UNDERSTANDING OF THE ECONOMIC AND SOCIAL COUNCIL THAT THE COUNCIL, IN DISCHARGING ITS FUNCTIONS UNDER THIS SUBPARAGRAPH OF THE RESOLUTION, WILL FOLLOW THE PRACTICE OF THE GENERAL ASSEMBLY IN IMPLEMENTING AN "ALL STATES" CLAUSE AND, IN ALL CASES WHERE IT IS ADVISABLE, WILL REQUEST THE OPINION OF THE GENERAL ASSEMBLY BEFORE TAKING APPROPRIATE DECISIONS.

/3/ THE MEMBER STATES OF THE COMMISSION SHALL BE ELECTED ACCORDING TO THE FOLLOWING PATTERN: 12 MEMBERS FROM AFRICAN STATES; 11 MEMBERS FROM ASIAN STATES; 10 MEMBERS FROM LATIN UNCLASSIFIED

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AMERICAN STATES; 10 MEMBERS FROM WESTERN EUROPEAN AND OTHER STATES; AND 5 MEMBERS FROM THE SOCIALIST STATES OF EASTERN EUROPE.
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